



1313 North Market Street, Suite 1001 • Wilmington, DE 19801

Telephone 302.576.1600 • Facsimile 302.576.1100

www.ramlp.com

Garrett B. Moritz

Direct Dial 302.576.1604

gmoritz@ramllp.com

April 18, 2023

VIA E-FILING

The Honorable Leonard P. Stark
U.S. Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, D.C. 20439

**Re: *Crystallex International Corporation v. Bolivarian Republic of Venezuela et al.*,
C.A. No. 17-mc-151-LPS**

Dear Judge Stark:

We write on behalf of Sale Process Parties Phillips Petroleum Company Limited and ConocoPhillips Petrozuata B.V. (together, “ConocoPhillips”). We write in response to the Venezuela Parties’ motion to stay pending resolution of their mandamus petition (D.I. 540) and pursuant to the Court’s Order (D.I. 543) inviting responses to the Venezuela Parties’ motion.

ConocoPhillips opposes the Venezuela Parties’ motion to stay. The factors governing a motion to stay pending resolution of a mandamus petition are the same factors applicable to a “traditional” stay, or a stay pending appeal. *Nken v. Holder*, 556 U.S. 418, 426 (2009). These are: (1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies. *Id.*

The Venezuela Parties’ motion to disqualify the Special Master was misguided, not least because the Sale Procedures Order expressly authorized the Special Master to engage with the Executive Branch, including OFAC. *See* D.I. 522 at 2. Further, the Venezuela Parties cannot show any cognizable injury, much less irreparable harm, absent a stay and arising simply from the continuation of the work of the Special Master. Finally, the balance of hardships and public interest strongly weigh against granting a stay, which would only further delay the preparations for the share sale.

ConocoPhillips respectfully requests that the Court deny the Venezuela Parties’ motion for a stay.

The Honorable Leonard P. Stark
April 18, 2023
Page 2

Respectfully submitted,

/s/ Garrett B. Moritz

Garrett B. Moritz (Bar No. 5646)

Cc: All Counsel of Record